

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MARY DENISE PRYOR

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:21-cv-615-HTW-LGI

**QUALITY RESTAURANT CONCEPTS, LLC,
dba APPLEBEE'S RESTAURANT;
AND JOHN DOES 1-5**

DEFENDANTS

COMPLAINT

JURY TRIAL REQUESTED

COMES NOW Mary Denise Pryor, by and through counsel, and files this her civil action to recover damages against Quality Restaurant Concepts, LLC, dba Applebee's Restaurant, and John Does 1-5, as follows:

Jurisdiction

1. This Court has jurisdiction over these proceedings pursuant to the provisions of 28 U.S.C. §1332(a)(1) because there is complete diversity of citizenship between the parties to this action and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. As set forth in detail under "The Parties" below, no defendant in this action is a citizen of the State of Mississippi.

Venue

2. Venue is proper in this district pursuant to 28 U.S.C. §1391(b)(2) because a substantial part of the events or omissions giving rise to this claim occurred in this district.

The Parties

3. Plaintiff Mary Denise Pryor (hereinafter “Plaintiff” or “Mrs. Pryor”) is an adult resident citizen of Rankin County, Mississippi, whose address is 2945 Layfair Drive, Apartment 827, Flowood, Mississippi 39232.
4. Defendant Quality Restaurant Concepts, LLC (hereinafter “Defendant” or “QRC”) is the owner and operator of the Applebee’s Restaurant franchise located at 2389 Lakeland, Drive, Flowood, Mississippi, 39232. QRC is a limited liability company organized under the laws of the State of Alabama with its principal place of business located in Alabama. QRC may be served with process through its registered agent, CT Corporation System, 645 Lakeland Drive East, Suite 101, 39232. Upon information and belief, the members of QRC are the following: (a) Fred W. Gustin; (b) Glenn D. Durham; and (c) John W. Jones.

(a) Fred W. Gustin is an individual domiciled and residing in the State of Alabama.

(b) Glenn D. Durham is an individual domiciled and residing in the State of Alabama.

(c) John W. Jones is an individual domiciled and residing in the State of Alabama.
5. Defendants John Does 1 through 5 are individuals or entities responsible for the negligence set forth herein. Plaintiff will supplement her Complaint with the names of John Does 1-5 when they become known.

Factual Background

6. On or around September 27, 2020, Plaintiff was a customer and business invitee of the Applebee’s Restaurant located at 2389 Lakeland Drive in Flowood, Mississippi. At the aforementioned time and place, Mrs. Pryor entered the restroom and slipped and fell on a slippery substance believed to be water, causing Mrs. Pryor to strike her head upon the toilet and sustain injuries and damages as set forth below. There were no warning signs outside or inside the bathroom indicating that the floor was wet. There were no signs warning Mrs.

Pryor of any dangerous conditions. Mrs. Pryor's fall and resulting injuries as set forth above were proximately caused by the negligence of Defendants.

Cause of Action – Quality Restaurant Concepts, LLC

7. Plaintiff incorporates by reference the preceding paragraphs.
8. All actions of QRC (dba Applebee's Restaurant) employees are imputed to said Defendant pursuant to the doctrine of *respondeat superior*.
9. QRC, through its employees or John Does, controlled the restaurant floors at issue here and the doctrine of *res ipsa loquitur* applies because the accident was one that ordinarily would not happen in the absence of Defendant's negligence.
10. Defendant was negligent with regard to the condition of the restaurant floor. Defendant's negligence includes, but is not limited to, the following:
 - (a) The failure to provide a reasonably safe premises for its invitees;
 - (b) The failure to exercise reasonable care in the operation of its store;
 - (c) The failure to maintain its premises in a reasonably safe condition;
 - (d) The failure to properly maintain its restaurant floor, which caused or contributed to the dangerous condition;
 - (e) The failure to warn of a dangerous condition, not apparent to Mrs. Pryor, which was known to Defendant or its employees/agents, or which existed for such a period of time that constructive knowledge of the dangerous condition is imputed to Defendant;
 - (f) The failure to inspect and maintain the restaurant floor in such a manner so as to prevent falls in the area where Mrs. Pryor's injury occurred;
 - (g) The failure to maintain its floors in a reasonable manner so as to prevent wet/slippery substances from remaining on the floors in the subject

Applebee's;

- (h) The creation of a dangerous condition which caused or contributed to Plaintiff's fall; and,
- (i) Other acts of negligence to be proven at trial.

Damages

- 11. Plaintiff incorporates by reference the preceding paragraphs.
- 12. As a direct and proximate result of the negligence of all Defendants as outlined above, Mary Denise Pryor sustained severe and painful injuries for which she has incurred hospital, doctor, drug, and other medical expenses in an effort to treat and rehabilitate her condition. These injuries are both temporary and permanent in nature. Mrs. Pryor may reasonably be expected to incur hospital, doctor, drug, and other medical expenses in the future in a continuing effort to treat and rehabilitate her condition. Further, and as a direct and proximate result of these injuries, Mrs. Pryor has endured pain and suffering, mental anguish and anxiety, and she may reasonably be expected to endure the same in the future and on a permanent basis. Mrs. Pryor has sustained a degree of disability, impairment, disfigurement, and loss of enjoyment of life which she may continue to sustain in the future. Finally, Mrs. Pryor sustained a loss of wages and loss of wage earning capacity and she may reasonably be expected to sustain the same in the future.

Request for Trial by Jury

- 13. Plaintiff requests a trial by jury on all issues presented herein.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Mary Denise Pryor files this civil action against Defendants Quality Restaurant Concepts, LLC, dba Applebee's Restaurant, and John Does 1-5, and demands judgment herein in favor of Plaintiff for all damages to which she is entitled in a fair and reasonable amount to be determined by a jury, along with legal interest, therein from

the date of the judicial demand until paid, attorney's fees, all costs of these proceedings, and all general and equitable relief as the law may allow.

Respectfully submitted,

PITTMAN ROBERTS & WELSH, PLLC

MARY DENISE PRYOR

BY: /s/ Ann R. Chandler
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